premises and there carried on the business of general butcher, from continuing which the plaintiff sought to enjoin him. *Held*, that the defendant be enjoined. *Wilkes* v. *Spooner*, 27 T. L. R. 157 (Eng., K. B. D., Dec. 16, 1910). See NOTES, p. 574.

RULE AGAINST PERPETUITIES — POWERS — VALIDITY OF POWER WHEN AN APPOINTMENT UNDER IT OF A TRANSMISSIBLE INTEREST WOULD BE TOO REMOTE. — A testator left personalty in trust for A for life, then for A's husband for life, and after the decease of A and of any husband with whom she might intermarry having any issue of A, for such of A's issue as A should by deed or will appoint, and in default of appointment for A's children then living. After A's first husband had died, A made an absolute appointment by deed to her children. *Held*, that this appointment is void for remoteness. *Re Norton*, 103 L. T. Rep. 821 (Eng., Ch. D., Dec. 20, 1910).

A power of appointment given to a living person will generally be good, since it must be exercised in the donee's lifetime. Yet a power to appoint to a class, which may not be ascertained until a period too remote, is bad, for the appointment cannot take effect within the required limits. In the principal case, however, as the objects of the power are the issue of A, the class is not too remote. Yet an appointment of a transmissible interest to any member of the class is necessarily bad; for, reading it into the instrument creating the power, it is a gift which may not vest until the death of a husband of A who was not in being at the testator's death. *Bristow* v. *Boothby*, 2 Sim. & St. 465. It has therefore been suggested that such a power is void. GRAY, RULE AGAINST PERPETUITIES, 2 ed., § 476 a. It would seem, however, to be correctly pointed out in the principal case that the power itself is valid if a lesser interest can be appointed which if read into the original instrument would not have been too remote. An appointment of life estates to issue of A living at the death of the testator would thus be good. But although the class is not too remote, the *dictum* of the court that such an appointment might be made to children of A born after the testator's death seems wrong; for though such interests must vest, if at all, during the lives of the appointees, their vesting might still be too remote from the testator's death.

TAXATION — PARTICULAR FORMS OF TAXATION — FEDERAL TAX ON CORPORATIONS MEASURED BY INCOME. — A federal statute imposed on every corporation organized in, or doing business in, any state of the United States, a special excise tax, with respect to doing business, equivalent to one *per centum* upon its entire net income over and above $5000. *Held*, that the statute is constitutional. *Flint* v. *Stone Tracy Co.*, U. S. Sup. Ct., March 13, 1911. See NOTES, p. 563.

TAXATION — PARTICULAR FORMS OF TAXATION — SUCCESSION TAX WHEN PROPERTY PASSES IN DEFAULT OF APPOINTMENT. — A Massachusetts statute provides that when a person possessing a power of appointment has failed to exercise it, a disposition of property shall be deemed to take place in the same manner as if the person becoming entitled to the property had succeeded thereto by a will of the donee of the power. Before this statute property had been conveyed to trustees to pay the income to A for life and on her death to convey to her appointee by will; in default of such will, to A's heirs at law in fee. A died without exercising the power. A's heirs questioned the constitutionality of the succession tax. *Held*, that the tax is constitutional. *Minot* v. *Stevens*, 93 N. E. 973 (Mass.).

The case is to be supported on the ground that Massachusetts law performs a service on A's death by designating A's heirs at law, and permitting the vesting of the contingent remainder in them as such. The language of the opinion, however, is far broader and asserts the validity of the enactment where the persons entitled in default of appointment hold vested interests.